07 CV 4930 (CPS) (CLP)

Plaintiff,

STIPULATION OF DISCONTINUANCE WITH PREJUDICE

-against-

VALENTINE & KEBARTAS, INC.

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel on behalf of their respective clients, (the defendant not having appeared) that pursuant to Rule 41(a)(1), this action shall be, and it hereby is, dismissed with prejudice and without costs to either party.

## Adam J. Fishbein

Adam J. Fishbein, P.C. (AF-9508) Attorney At Law Attorney for the Plaintiff 483 Chestnut Street Cedarhurst, New York 11516 516-791-4400

SO ORDERED:

s/Hon. Charles P. Sifton

3/19/08